

39TH ANNUAL CONSTRUCTION LAW CONFERENCE



MARCH 26 & 27, 2026
THE JW MARRIOTT HILL COUNTRY RESORT & SPA
SAN ANTONIO, TEXAS

Earn up to 12.50 Hours MCLE Credit, including 3.25 Hours Ethics!

Applicable toward MCLE, the College of the State Bar of Texas and the Texas Board of Legal Specialization in the fields of Construction Law, Real Estate Law, Personal Injury Trial Law, Civil Appellate Law and Civil Trial Law. Eligible for MCE credit through the Texas Real Estate Commission. Texas Department of Insurance credit requested.

Sponsored by:

The Construction Law Foundation of Texas
&
The Construction Law Section of the State Bar of Texas

in cooperation with

The Texas Institute of Continuing Legal Education

39TH ANNUAL CONSTRUCTION LAW CONFERENCE

March 26 & 27, 2026 ♦ The JW Marriott Hill Country Resort & Spa ♦ 23808 Resort Pkwy. ♦ San Antonio, Texas 78261

WEDNESDAY, MARCH 25, 2026

- 12:00 **GOLF TOURNAMENT** – *Shot Gun Start*
Only conference registrants, presenters and 2026 sponsor attendees are eligible to register.
The Canyons Course at The JW Marriott Resort
- 2:00 **PRE-REGISTRATION PICK-UP** – Attendees who pre-registered by March 18th may pick-up their badge and materials from 2:00-4:30pm.
- 4:00 **TEXAS WOMEN'S CONSTRUCTION LAW GROUP NETWORKING EVENT** – For registered conference attendees only. *Please indicate your RSVP to attend on the registration form.* – Sponsored by Socotec
- 5:30 **RECEPTION** – In cooperation with the Young Lawyer's Committee of the Construction Law Section – Sponsored by Rimkus

THURSDAY, MARCH 26, 2026

PRESIDING OFFICER: Misti L. Beanland, Dallas

- 8:00 **LATE REGISTRATION** – Ballroom Foyer, The JW Marriott HC Resort, 23808 Resort Pkwy., San Antonio, TX 78261, (210) 276-2500
- 8:00 **CONTINENTAL BREAKFAST** – Sponsored by Fiebig Architecture, PLLC
- 8:00 **GOVERNMENT LAWYER GET TOGETHER**
- 8:50 **WELCOME ON BEHALF OF THE CONSTRUCTION LAW FOUNDATION**
Andrea A. Hight, Dallas
- 9:00 **CASELAW UPDATE I** – Recent case law and other developments affecting the construction industry.
Brian K. Carroll, Belton
- 9:45 **PITTS V. RIVAS AND DESIGN PROFESSIONALS: WILL THE ANTI-FRACTURING RULE FRACTURE THE ECONOMIC LOSS RULE?** – Can the anti-fracturing rule coexist with the economic loss rule, or does *Pitts* shatter contract claims against design professionals? What becomes of contractual limitations on liability and other contract terms when no contract claim can be asserted? Piece together these puzzles and more to stay ahead of how *Pitts* may reshape professional liability, risk allocation, and claims strategy in design and construction.
Tracy L. McCreight, Austin
- 10:15 **BREAK** – Sponsored by Secretariat
- 10:45 **THE TEXAS BUSINESS COURTS FOR CONSTRUCTION LAWYERS** – A discussion of key construction law issues related to the Texas Business Courts, including changes made by HB 40 from the 2025 Legislature, and topics such as venue, jurisdiction, and removal issues for both construction litigators and transactional lawyers.
Mason P. Hester, Houston
Hon. Stacy R. Sharp, San Antonio
Hon. Marialyn P. Barnard, San Antonio
- 11:30 **LEGISLATIVE UPDATE** – A summary of the 89th Legislative Session, highlighting the bills and laws impacting the construction industry.
Andrew S. Harris, Austin
- 12:00 **RAFFLE PRESENTATION** – Home Base
- 12:15 **LUNCHEON** – *Tickets available for \$25 each.*
BEYOND POWER: WHY ARE SOME NEGOTIATORS BETTER THAN OTHERS? – Research confirms our intuition that certain skills and behaviors help a negotiator achieve better results. Let's improve our negotiation discipline.
Jeffrey R. Jury, Austin

PRESIDING OFFICER: Jason T. Martin, Dallas

- 1:45 **BEYOND THE FINE PRINT: THE BIG IMPACT OF THE "SMALL" CLAUSES** – The "Miscellaneous" and "Boilerplate" sections tucked at the end of construction contracts are often dismissed as routine filler, but when a dispute

arises, one of those clauses may become the deciding factor. We will unpack the hidden power of provisions like merger clauses, written amendment provisions, waiver provisions, and others.
Varant Yegparian, Houston

- 2:15 **ADR ROADS LESS TRAVELED** – In addition to the grave new world of AI in ADR, should other methodologies be considered in trying to resolve your dispute short of formal evidentiary hearings? A discussion of some alternative ADR strategies to consider that might make you a hero (or less of a villain) in the eyes of your client.
Richard L. Reed, Sr., San Antonio
Richard P. Flake, Houston
George E. Bowles, Dallas
- 3:00 **BREAK** – Sponsored by FTI Consulting, Inc.

CONCURRENT SESSIONS - Choose Sessions A or B

Sessions A - PRESIDING OFFICER: Jason T. Martin

- 3:30 **WHEN BILLIONS ARE AT STAKE: FINDING COMMON GROUND IN COMPLEX CONSTRUCTION BANKRUPTCIES** – A look at a major bankruptcy and how the impacted parties navigated the process by utilizing the tools available under bankruptcy rules as well as long-standing relationships of trust and civility creating a winning outcome for all.
Bojan Guzina, Chicago, IL
James R. Old, Jr., San Antonio
- 4:15 **MECHANICS OF LIEN FORECLOSURE** – You filed your mechanics' and materialmen's lien – now what? We'll discuss practical aspects of lien foreclosure, priorities and a little bit of judgment recovery strategies for dessert.
Sewall C. (Spike) Cutler, Jr., Dallas
- 4:45 **JOINDER IN THE NEW ERA – BEST PRACTICES FOR JOINING PARTIES UNDER THE AAA'S AMENDED CONSTRUCTION INDUSTRY ARBITRATION RULES** – Generally, joinder requests now must be made before a merits arbitrator is confirmed. If a party requests leave to file a joinder request after the merits arbitrator is confirmed, it now needs to show "with evidentiary support, both that there is good cause to grant the request and that prejudice will result if it is not granted." This is a new burden, and one not easily achieved in all instances.
Jerry M. Negrete, Austin

Sessions B - PRESIDING OFFICER: Clayton C. Cannon

- 3:30 **DEFECTS, DEMANDS, AND DTPA DRAMA: SURVIVING THE RCLA JUNGLE** – Residential construction is often the "odd duck" of construction disputes with its unique rules, complex damages, and emotional parties. This panel presents a mock case study from the perspective of an arbitrator, a homeowner's attorney, and a general contractor's attorney. The discussion will unpack common claims and defenses, explore the tangled interplay between the RCLA and the DTPA, and offer practical tips for presenting these cases effectively.
Rekha R. Roarty, Austin
Aileen Glaeser, Dallas
David M. Kleiman, Dallas
- 4:15 **TROUBLED WATERS: SURFACE WATER TRESPASS CLAIMS UNDER THE TEXAS WATER CODE** – The Texas Water Code can be a powerful tool when it comes to the diversion or impoundment of surface water that may damage another's property. Understand the scope of the statute, the potential for liability, and the remedies available to affected property owners.
Avery N. Sheppard, Houston
- 4:45 **CRIMINAL LAW IN CONSTRUCTION – HAMMERS TO HANDCUFFS** – Overview of criminal exposure for contractors within the Texas Trust Fund Act, Fraudulent Lien Filing Statute, and False Claims Act. We will cover both preventing and enforcing claims and how to effectively use experts to prove liability.
Stephanie S. Harrison, Fort Worth

- 5:15 **ADJOURN TO RECEPTION** – Sponsored by GlassRatner & Nelson Forensics, LLC
- 6:30 **DINNER & DUELING PIANOS (OPTIONAL)** – *Tickets available for \$50 each.*

FRIDAY, MARCH 27, 2026

PRESIDING OFFICER: Kim Altsuler, Houston

- 7:30 **CONTINENTAL BREAKFAST**
- 8:15 **CASE LAW UPDATE II**
William B. (Billy) Davis, Houston
- 8:45 **BURN NOTICE: COVERT IDEAS ON DECODING NOTICE REQUIREMENTS** – Most construction law practitioners are familiar with the "substantial compliance" written notice standard established by the Texas Supreme Court in *James v. Westlake*. However, issues other than the writing requirement can arise in the context of drafting and enforcing notice provisions. A comprehensive review of contractual notice requirements in contracts by examining relevant pre- and post-*James* caselaw, exploring drafting strategies, and analyzing the impacts of failed notice efforts.
Colbie B. Campbell, Dallas
- 9:15 **INSURANCE LAW UPDATE** – A tour of the wild world of insurance law in the construction realm where we will unpack the latest court cases, policy provisions, and coverage issues that have left even the most seasoned lawyers scratching their heads!
Douglas P. Skelley, Austin
- 9:45 **BREAK** – Sponsored by Aperture LLC
- 10:15 **THE USE OF ARTIFICIAL INTELLIGENCE (AI) IN CONSTRUCTION ADR** – As AI becomes a more common part of the practice of law, how are construction arbitrators and mediators using AI? Are there limits to the use of AI in drafting arbitration awards or preparing for mediation? What are the latest AI resources available? How is the use of AI in ADR being challenged in court? This panel will explore the evolving intersection of AI and ADR, highlighting both challenges and opportunities for construction law practitioners.
Lee H. Shidlofsky, Austin
Clayton C. Cannon, Houston
W. Jerry Hoover, Houston
Steven D. Nelson, Plano
- 11:00 **LESSONS IN TRYING AND CHARGING COMPLEX MULTI-PARTY CONSTRUCTION DEFECT CASES TO A JURY** – Multi-party, multi-tier contract cases rarely see a jury trial. The panel (trial and appellate lawyers in the recent Sonic Automotive trial) will provide their viewpoints on trying and defending a case and charging the jury in a complex multi-party construction defect jury trial.
Marie Jamison, Houston
Jeffrey G. House, San Antonio
John E. Pipkin, Houston
- 11:45 **PIONEER AWARD: ROBERT C. BASS, JR.** – The Pioneer Award is given by the Foundation as a recognition for lifetime achievement, a career of service, and extraordinary contribution to the practice of Construction Law.
- 12:00 **LUNCHEON** – *Tickets available for \$26 each.*
TED LASSO & LAWYER ETHICS – What can a fictional soccer coach, goldfish, and biscuits teach us about ethics? Lace up your cleats and find out.
Christie L. Hobbs, Justin
- MEAN TWEETS** with Matt Ryan

PRESIDING OFFICER: Clayton C. Cannon, Houston

- 1:30 **BREAK** – Sponsored by Walker Consultants
- 1:40 **RAFFLE DRAWINGS**
- 1:50 **THE LATEST ON THE INTERPLAY BETWEEN COMPARATIVE INDEMNITY, EXPRESS NEGLIGENCE, AND TIMING** – This presentation examines *S&B Engineers &*

Constructors, Ltd. v. Scallon Controls, Inc. Among the issues addressed in the case, are a settling defendants right to seek recovery from a third party under a contractual indemnity provision, the counter-play of a claims accrual period, the role of an underlying plaintiff's pleadings, and the express negligence doctrine. Additionally, the presentation examines the potential impact on current Texas precedent (i.e. Ethyl) and the risks associated with seeking post-settlement relief (i.e. "pay and chase").

James S. Richards, Houston

- 2:30 **GETTING TO YES ON INSURANCE: HOW OWNERS AND CONTRACTORS CAN NEGOTIATE EFFECTIVELY** – This session will provide a discussion on practical tips in negotiating contractual insurance requirements. It will highlight the insurance terms that are frequently negotiated, provide perspectives from the standpoint of both the project owner and the general contractor, and identify strategies that can help the parties reach a resolution.

Ashley C. Cummings, Dallas

Courtney McKendrick Green, San Antonio

- 3:15 **THE QUANTUM REALM: STRATEGIES FOR PLEADING, DEFENDING, AND TRYING EXTRA CONTRACTUAL CLAIMS** – What happens when a quantum meruit claim survives summary judgment? Can your expert opine on your "cardinal change" argument at trial? Dive into the Quantum Realm to discuss pleading and trial strategies for the oft-pleaded but forgotten legal theories that attorneys routinely attach to their payment disputes, including quantum meruit, fraud, and the cardinal change doctrine.

Jack E. Byrom, Austin

- 3:45 **ADJOURN**

PRESIDENT, THE CONSTRUCTION LAW FOUNDATION OF TEXAS

Andrea A. Hight, Brasfield & Gorrie, Dallas

PRESIDING OFFICERS

Kim Altsuler, Peckar & Abramson, P.C., Houston

Misti L. Beanland, Matthews, Shiels, Knott, Eden, Davis & Beanland, L.L.P., Dallas

Clayton C. Cannon, Cannon Law Firm PLLC, Houston

Jason T. Martin, J.E. Dunn Construction Company, Dallas

CONFERENCE FACULTY

Hon. Marialyn P. Barnard, Texas Business Court-Fourth Division, San Antonio

George E. Bowles, Bowles ADR, Dallas

Jack E. Byrom, Allensworth Law, Austin

Colbie B. Campbell, Slaters Harwell Campbell LLP, Dallas

Clayton C. Cannon, Cannon Law Firm PLLC, Houston

Brian K. Carroll, Sanderford & Carroll P.C., Belton

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Sewall C. Cutler, Jr., Cutler-Smith, P.C., Dallas

William B. Davis, Andrews Myers, P.C., Houston

Richard P. Flake, Flake ADR, Friendswood

Aileen Glaeser, Martin, Disiere, Jefferson & Wisdom, L.L.P., Dallas

Bojan Guzina, White & Case LLP, Chicago

Andrew S. Harris, Andrews Myers, P.C., Austin

Stephanie S. Harrison, Harrison Steck, P.C., Fort Worth

Mason P. Hester, Munsch Hardt Kopf & Harr, P.C., Houston

Christie Lynn Hobbs, Northwest Independent School District, Justin

W. Jerry Hoover, Attorney/Mediator/Arbitrator, Houston

Jeffrey G. House, Farmer, House, Osuna, Jackson & Olvera, San Antonio

Edith Marie Jamison, Wright Close & Barger, LLP, Houston

Jeffrey R. Jury, Lakeside Mediation Center, Austin

David M. Kleiman, Waddell Serafino Geary Rechner Jenevein, PC, Dallas

Tracy L. McCreight, Duane Morris LLP, Austin

Courtney McKendrick Green, Jordan Foster Construction, LLC, Fair Oaks Ranch

Jerry M. Negrete, The Chapman Firm PLLC, Austin

Steven D. Nelson, Markel Surety, Plano

James R. Old, Jr., Zachry Industrial, Inc., San Antonio

John E. Pipkin, Pipkin Ferguson, PLLC, Houston

Richard L. Reed, Sr., Steptoe & Johnson PLLC, San Antonio

James S. Richards, Cokinis | Young, Houston

Rekha R. Roarty, The Roarty Law Firm, PLLC, Austin

Hon. Stacy R. Sharp, Texas Business Court - Fourth Division, San Antonio

Avery N. Sheppard, Ware, Jackson, Lee, O'Neill, Smith & Barrow, LLP, Houston

Lee H. Shidlofsky, Shidlofsky Law Firm PLLC, Austin

Douglas P. Skelley, Shidlofsky Law Firm PLLC, Austin

Varant Yegparian, Yegparian PLLC, Houston

HOTEL INFORMATION

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The JW Marriott Hill Country Resort & Spa • 23808 Resort Pkwy. • San Antonio, TX 78261

The JW Marriott Hill Country Resort & Spa is our host hotel for the conference offering rooms at \$334++ per night. As of press time, the group room block was at capacity with early-bird registrants and rooms will only be provided on a space and rate-available basis going forward. If you plan to attend, we encourage you to submit a wait list reservation request now and then secure a reservation at a nearby venue as soon as possible. We will be in contact with those we are able to clear off the wait list due to cancellations by other attendees. You may also wish to contact The JW Marriott Resort directly near the beginning of March to see if any availability has opened due to cancellations within the room block for the *Annual Construction Law Conference*. Parking areas at The JW Marriott Resort are available for a fee during the conference to accommodate drive-in attendance.

REGISTRATION FORM

Mail to: The Construction Law Foundation of Texas
39th Annual Construction Law Conference
P.O. Box 4646
Austin, TX 78765-4646

Online at: www.constructionlawfoundation.org

Scan to: registrar@clesolutions.com (must be accompanied by American Express, Visa or MasterCard Information)
or Phone: 512/451-6960

Please register me for the conference as follows:

- ☐ Regular Pre-Registration Fee (due by 5 p.m. March 6).....\$600.00
☐ Pre-Registration Fee for Construction Law Section Members.....\$500.00
(due by 5 p.m. March 6)
☐ Registration *after 5 p.m. March 6 & before 5 p.m. March 18*.....\$+250.00
☐ Door Registration *after 5 p.m. March 18 (Available Onsite Only)*.....\$+250.00
☐ Construction Law Section Dues (eligible for the member registration fee).....\$ 30.00
____ Thursday Luncheon Ticket at \$25 each \$ ____
____ Friday Luncheon Ticket at \$26 each..... \$ ____

- ☐ RSVP for Texas Women's CLG Networking Event on Wednesday, March 25, 2026
☐ Thursday Dinner & Dueling Pianos Entertainment Event.....\$ 50.00
☐ **I will play in the Golf Tournament on Wednesday, March 25, 2026**
Green Fee (includes range balls and shared cart).....\$240.00
My handicap is _____. ☞ Required

Conference Materials:

Registrants will automatically receive the electronic USB version of the conference materials. You may also pre-purchase the printed binder version for an additional fee.

- ☐ Add Printed Version (3-Ring Binder) at \$50 + .0825 tax.....\$ 54.13

I cannot attend the conference. Please forward the following:

- ☐ Audio Files & Course Materials (On USB Only) at \$500 + .0825 tax.....\$541.25
☐ Course Materials Only (On USB Only) at \$200 + .0825 tax.....\$216.50

TOTAL ENCLOSED.....\$ ____

No refunds after 5:00 p.m. Friday, March 20, 2026. See cancellation policy on back cover. (Call for Government and Student Discount Information)

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Billing Address (Street+C/S/Z): _____

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39th Annual Construction Law Conference

March 26 & 27, 2026

The JW Marriott Hill Country Resort & Spa
San Antonio, Texas

Cover Art – “Pride of Summer” is an original by Julene Franki, former Director, TexasBarCLE and Executive Director, ALI-ABA. You can find more of her work at www.julene.io.

***Home Base** (homebase.org) — We are proud to partner with Home Base to offer the opportunity for attendees to contribute during the conference. All donations will benefit Home Base and their mission to provide world-class clinical care, wellness, education and research to veterans, service members, and their families at no cost.

Special Accommodations — If special arrangements are required for a person with a disability to attend this program, please contact us at 512.451.6960.

Section Website — Visit the Construction Law Section's website at www.constructionlawsection.org for information on how to join the Section and access past conference materials.

Pre-Registration — To ensure sufficient materials are available for all attendees, pre-registration is strongly encouraged. Late and door registrations are subject to additional fees.

Online Registration — Visit www.constructionlawfoundation.org to register online using a Visa, MasterCard or American Express.

Registration by Phone — You may register by telephone by calling 512.451.6960. Phone-in registrations require a Visa, MasterCard or American Express number, expiration date, security code and full billing address.

Cancellations and Refunds — Refunds, less a \$50.00 processing fee, will be given to registrants who cancel by 5:00 p.m. on the Friday preceding the conference. No refunds will be granted thereafter. Course materials and audio files will automatically be mailed ~4 weeks after the conference to any prepaid registrants who did not receive a refund and were not able to attend.

2026 PLANNING COMMITTEE The Construction Law Foundation of Texas Board

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This course has been approved for 12.50 hours credit (including 3.25 hours ethics) which will apply toward MCLE, the College of the State Bar of Texas and the Texas Board of Legal Specialization in the fields of Construction Law, Real Estate Law, Personal Injury Trial Law, Civil Appellate Law and Civil Trial Law. You must attend all sessions to receive full credit. MCLE credit is available in other states. Please let us know your needs when you register.

CPAs may obtain approximately 15.00 hours of CPE credit toward licensing with the Texas State Board of Public Accountancy. Sponsor No. 6867.

The Texas Institute of CLE is an accredited sponsor with the Texas Department of Insurance. An application will be submitted for 12.50 hours of General credit (all license types) and 3.0 hours ethics. This course is eligible for MCE credit through the Texas Real Estate Commission.

Annual Conference Sponsors also include:

- * **Flash Drives** – Sponsored by Spire Consulting Group, LLC
- * **Internet** – Sponsored by Ankura Consulting Group, LLC
- * **Hotel Key Cards** – Sponsored by Peritia Partners LLC
- * **Name Badge Lanyards** – Sponsored by Weaver
- * **Notepads** – Sponsored by Thornton Tomasetti
- * **Power Strips** – Co-Sponsored by WindForce Engineering & Inspection
- * **Power Strips** – Co-Sponsored by The VERTEX Companies, Inc.
- * **Tote Bags** – Sponsored by Socotec
- * **Videotaping** – Sponsored by U.S. Legal Support

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